



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

EXAMINER: Nihir Patel Docket No. 3418-A-23  
APPLICANT: Marler et al. Date: May 26, 2006  
SERIAL NO.: 10/654,797 Art Unit: 3743  
FILED: September 4, 2003 Confirmation No. 8070  
FOR: HEAT AND MOISTURE FILTER EXCHANGER AND METHOD

**DECLARATION OF WILLIAM C. CAHILL**

1. I am an attorney of record in the above-identified application.
2. A log is maintained for communications received from the U. S. Patent and Trademark Office. That log maintains a daily record of communications received and identifies each communication by the initials of the attorney responsible for the relevant case, and the attorney docket number identifying the specific case to which the communication pertains. Exhibit A, pages 1-7, are true accurate copies of the communication log from our docketing records from August 10, 2004 (the day before the Patent Office website indicates that the subject Notice of Allowance was mailed) through September 28, 2004.
3. A review of the log shown in Exhibit A indicates that attorney docket No. 3418-A-23 (corresponding to the present application Serial No. 10/654,797) was not received.
4. In addition to the communication log taken from our docketing records as shown

in Exhibit A, each communication with the Patent and Trademark Office pertaining to a specific case is entered on the file jacket of that case. Exhibit B is a true and accurate copy of the file jacket for our Docket No. 3418-A-23 (Serial No. 10/654,797). The communications to and from the Patent and Trademark Office including due dates and completion dates together with comments are clearly shown. It may be noted that no entry appears indicating the receipt of a Notice of Allowance.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Date May 26, 2006

  
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William C. Cahill

8-10-04

LCM

1705-D-16 ✓

MAC

6460-D-01 ✓

LCM

6270-A-10 China ✓

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6577-A-01 Busal ✓

0437-A-205 ✓

MAC

4254-A-07

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6433-A-01 ✓

1756-A-22 ✓

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5923-A-04 ✓

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2973-D-39 ✓

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4441-A-30 ✓

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5488-A-14 ✓

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6147-P-06 ✓

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6270-A-13 ✓

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5488-A-24 ✓

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6421-A-02 PCT

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6403-SM-03 ✓

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4917-TM-03 ✓

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WGT

3573-A-04 Can

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6270-A-10 EPU

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5305-A-02 X2 ✓

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8-24-04

6016-SM-21 ✓

TM-18 ✓

TM-22 ✓

ALH 6016-TM-24 ✓

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WCC 2631-TM-12 Japs ✓

ALH 6403-SM-02 ✓

6348-SM-03 ✓

MAO 2143-TM-01 Ye ✓

6250-SM-03 ✓

6647-SM-01 ✓

2108-TM-08 ✓

1765-D-18 ✓

ALH 1288-D-140 ✓

CAM 0437-A-284 ✓

- ALH 6270-A-06

CHH 5391-A-09 Chemi ✓

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8-31-04

WAT

6718-CR-01 ✓

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5681-CR-27 ✓

6348-SM-02

6403-SM-04 ✓

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6375-SM-15

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6563-SM-01 ✓

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6510-A-01 ✓

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6472-D-02 ✓

6469-A-01 ✓

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9-7-04

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6270-A-09 Kozu ✓

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6418-A-01 Can

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1675-TM-09

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6528-TM-01 ✓

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6375-SM-04

4905-TM-16 ✓

2973-TM-33 ✓

CRH

0437-A-282 ✓

WCL

6275-A-15 ?

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6586-A-02 ✓

WCL

3300-A-7d ✓

MAC

4071-A-05 Israel ✓

6270-A-10 EPO

MAC

5488-A-11 Gap

CRH

6381-A-01 PCT

6452-A-01 ✓

R.H.

6147-A-05 ✓

6270-A-10 ✓

6537-P-01 ✓

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R.H. 4948-A-02 ✓

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6728-A-01

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9-28-04

RKH

6375-TM-08 ✓

6708-SM-01 ✓

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5233-TM-04 UK ✓

6296-SM-05 ✓

6616-A-01 ✓

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6152-A-02 Can ✓

6406-D-21 ✓

.. D-22 ✓

.. A-02 ✓

3023-A-06 ✓

6691-P-01

6406-A-06

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Thayer Medical Corporation  
(Gregory Marler & David Sladek)

3418-A-23

HEAT AND MOISTURE FILTER EXCHANGER  
AND METHOD

SN: 10/654,797 FILED: 9-4-03

DATED

LETTERS PATENT NO.

RIAL NUMBER

10/654,797

GROUP

3753

DOCKET NO.

3418-A-23

ATTY.

FILING DATE

9-4-03

APPLICATION FOR LETTERS PATENT

PRIORITY DATE

9-16-02

Prepared by Cahill, Sutton & Thomas

INVENTOR

Gregory S. Marler & David T. Sladek

TITLE

Heat and Moisture Filter Exchanger and Method

ACTIONS

Small Entity

Large Entity

☒

☐

ted

Due

Done

Confirm. # 8070

9-4-03	Appn. & PTO	—	—	—	of assignment (X.I.D.S. & filed)
1-16-04	Correct filing receipt	2-16-04	2-3-04	—	not needed
4-22-04	Projected pub. Date 7-1-04	—	—	—	—
6-15-04	First Claims	7-15-04	7-8-04	—	Claims 1, 2, 3, 7, 8, 9, 12, 13
7-1-04	Notice of Publication	—	—	—	—
10-4-04	Correct Drawings	12-4-04	11-16-04	—	not needed
11-16-04	Notice - Dept. of Commerce approval	—	—	—	—
5-17-06	Notice of Abandonment	5-17-07	—	—	not allowed to pay I.F. - not needed

ANNUITIES

Due	Done	Due	Done	Due	Done

Exhibit B

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Dated 9-2-03 Recorded 9-4-03 Reel 014487 Frames 0023

Address and Telephone of Inventor(s)

Assignments:

Thayer Medical Corporation